

**TOWN OF ROCKY HILL
OPEN SPACE AND CONSERVATION COMMISSION
MEETING OF MARCH 12, 2014**

1. CALL TO ORDER

Chairman Ed Charamut called the Wednesday, March 12, 2014 meeting to order at 6:02 p.m. in the Council Room of the Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut.

Present: Ed Charamut, Chairman
 Craig Riedinger, Vice Chairman
 Sandra Kelly, Secretary
 Larry Lindenberger, Commissioner
 Todd Brown, Commissioner
 David Schweitzer, Commissioner
 Scott Stevens, Commissioner

Alternates: Christopher Duff
 Michelle Zak

Also: Bob Alvarado, Engineering Dept.
 Eileen A. Knapp, Recording Secretary

2. PLEDGE OF ALLEGIANCE

Everyone stood and recited the Pledge of Allegiance.

3. PUBLIC HEARING

A. Application for a Class C Permit - Valentine Builders LLC – Proposed 9 lot subdivision and related improvements at 3149 Main Street and Southbrook Road. Assessor's #37-05-013

Members of the Commission introduced themselves and Secretary Kelly read the legal notice. Chairman Charamut went over the procedures for the public hearing.

Mr. Jim Cassidy, Professional Engineer with Hallisey, Pearson and Cassidy 35 Cold Spring Road addressed the Commission representing the applicant. The site is 3149 Main Street and Mr. Cassidy showed an existing site photo. The property consists of about 6.55 acres of R20-residentially zoned land. Presently there is an existing dirt driveway along the northerly boundary line leading to a house, garage and barn. Southbrook Road is off to the north and comes to a dead end at this property's northerly property line. There are residents along Brook Street and Soutbrook that abut this property along with the Brimfield Condominium Complex. To the east are the Main Street frontage and one abutting house. To the west of the site are residential houses on Highview drive that abut the property. The site has a high point at about

the $\frac{3}{4}$ mark running in a north/south direction. One quarter of the site slopes off to the west towards Highview and the remaining portion of the site slopes to the east and Main Street. There is about a 55' difference from the high point along the ridge to the Main Street property line. There is a wetlands area along Main Street consisting of about .55 acres, which is classified as a wooded swamp. Mr. Cassidy showed a picture of how the storm water drains on the site. About 1 1/2 acres drain towards Highview and the rest drains to the wetlands area eventually flowing to a catch basin along Main Street.

The proposal is to remove the existing house and barn and subdivide the property into a 9-lot R20-residential subdivision. To achieve this they are proposing to extend Southbrook Road about 400' south ending in a cul de sac going from a 5% grade to a 2% grade. Six of the lots will have frontage on Southbrook Road and the remaining 3 lots would have frontage along Main Street but would be accessed from a new roadway coming off of Southbrook. Lot sizes range from 20,000-41,000 square feet. Lots would all be serviced by underground public utilities and they are hoping to bring gas lines into the development. The six lots along Southbrook are level with the road with gradual grades on the driveway. The three other lots will be lower than the roadway because the site drops off from the ridge line. The driveways would slope down at a grade of about 10% to a plateau in front of the house. There are sewer laterals along Main Street that can be connected to these houses but that would cause a direct impact to the wetlands. What they are instead proposing is to bring a gravity line down to the south of the wetlands and tie into the existing lateral. For Lots 8 & 9 they are proposing to install individual injector pumps into each house then pump them back up the driveways to tie into the sewer along Southbrook.

As far as storm water runoff, they are proposing to build a formal drainage system with a series of catch basins and underground conduits under the roadway. There have been concerns about water flowing from their site onto property along Highview. Mr. Cassidy said what they are proposing to do is run an additional line back towards the westerly property line with a swale about 20' from the property line to direct the storm water runoff from the yard area to the yard drain. Water from the drainage system will then discharge through a closed conduit down a right of way along the northerly property line eventually discharging to a storm water quality basin. This basin is designed to attenuate the flows and to treat the storm water runoff. The storm water quality basin water then discharges into a rip rap swale with a flat bottom. The swale will be allowed to fill up with water up to the crest elevation then sheet flow into the wetlands. The conclusion of their storm water management report is that there is no change in the flows, pre and post construction. The roof leaders of the lower 3 houses will be tied into the drainage systems. Lots 4-9 will have oversized rain gardens designed to hold a 100-year storm, which are detailed on the plans. Due to the soil types, Mr. Cassidy said infiltration is a good idea in this location.

In order to develop the site there will be some activities in the upland review area. The first impact is for the construction of the storm water quality basin and the riprap swale, consisting of about 16,705 sq. ft. Activity two consists of the construction of the back yards, rain gardens and a portion of the houses for Lots 9 & 8. This area consists of about 12,950 sq. ft. The final impact deals with the installation of the sanitary sewer lateral and consists of about 1,590 sq. ft.

Next Mr. Cassidy discussed prudent and feasible alternatives. There were several other options they considered in the past. One option was to access the three lower lots off of Main Street but this would result in the driveways discharging directly into the wetlands and also direct impact to the wetlands. Mr. Cassidy noted that as part of this application they will be requesting a waiver of sidewalks from the Planning and Zoning Commission because to extend the sidewalks in this area would result in a direct impact to the wetlands. They are also requesting a waiver of the sidewalks along Southbrook because presently there are no sidewalks to connect to on the existing portion of that street.

Mr. Eric Davison, Professional Wetlands Scientist and Registered Soil Scientist addressed the Commission. He said he mapped the wetlands on the site and submitted a report dated January 4, 2014. The wetland on the eastern side of the property is a typical Red Maple Swamp. It is mostly forested except for a narrow band along Main Street, which is a sedge meadow. The wetland hydrology is seasonally hydrated, which means most of the wetlands doesn't pond. There is an intermittent watercourse on the site that Mr. Davidson pointed out. He said if he went to the site in the spring and summer he may be able to rule it out as a watercourse but he wasn't comfortable saying that at this time.

Mr. Davison said he did query the DEEP's Natural Diversity Database, which catalogs all the State listed species and where they occur in Connecticut. He found two records of listed species in the vicinity of the site, one is the Sand Barron's Tiger Beetle and the other is the Eastern Box Turtle. Mr. Davison said the habitat for the Tiger Beetle is not present on this site. As far as the Box Turtle, Mr. Davison said they can be found anywhere and he can't rule them out at this time but he doesn't believe this is an optimal site for them.

Mr. Davison said many of his recommendations were already incorporated into the plans. He said he is aware this application was sent to the Connecticut River Coastal Conservation District and he wanted to disclose that he is a member of their Board of Directors but he does not get involved in their plan review.

Commissioner Comments/Questions

Commissioner Schweitzer asked if the rain gardens would work on the steep slope. Mr. Cassidy said they will need to be on a flat area for them to work properly. Commissioner Schweitzer said he would like to see those contours. He then asked what feeds the wetlands today. Mr. Cassidy said the main access of the Brimfield Condos and the buildings that back up to Main Street discharges to the gutter along Main Street. When it reaches the curb cut for their dirt driveway, it comes into their site crosses the dirt drive and flows into the wetlands area. Also from the high point of the property, about $\frac{3}{4}$ of the water from the site flows down into that wetlands area. Commissioner Schweitzer asked about the flow to the wetlands before and after construction. Mr. Cassidy said it would be similar to what is there now.

Commissioner Kelly asked about tree removal and replacement plantings involved with the proposal. Mr. Cassidy said the site part of the area has already been cleared in the past and is now filled in with scrub. There are some larger evergreens on the site but Mr. Cassidy said he

brought the roadway in as far to the west as possible to allow that vegetation to remain wherever possible. Any additional clearing would be on the southwest corner of the site. There will also have to be some clearing for the lots. Commissioner Kelly asked for further detail on the rain gardens. Mr. Cassidy said the rain gardens would have a flat bottom with a small depression; about 1' in depth. There would be a pipe from the roof leaders from the house that discharges into the rain gardens. The rain gardens would be planted with appropriate plantings as recommended by NEMO. Commissioner Kelly asked if the surface of the road leading to Lots 7, 8, and 9 would be impervious. She would like them to consider using something less impervious. Mr. Cassidy said he highly recommends that the driveways to those lots be paved due to the steep grades. He did combine two of the driveways into one shared drive, which cut down on the amount of impervious pavement by about 6'. Commissioner Kelly asked what they can do to improve the wetlands down by Main Street. Mr. Davison said they may be a little unsightly, but he didn't think that area of wetlands looked too bad. There was a nice diversity of plants along the shoulder and there isn't a lot of sediment. Commissioner Kelly suggested scheduling a site walk before the next meeting. As far as the sidewalks, she said is opposed to waiving sidewalks along Main Street. Mr. Cassidy said in this case if they were to put in sidewalks along Main Street, it would cause a direct impact to the wetlands.

Commissioner Brown said he is concerned about the steepness of the driveways for Lots 7, 8 & 9. Mr. Cassidy said these yards will have a moderate grade but he tried to use swales and catch basins to pick up the water. Commissioner Brown said he is concerned about Lots 8 & 9 having sewage pumps. Mr. Cassidy said loss of power is generally only for a few hours and when you lose power that affects the systems that generate waste also. Commissioner Brown asked who would maintain the storm water quality basin. Mr. Cassidy said it is the Town's drainage system that is discharging into that storm water quality basin, so he believes it is the Town's responsibility to maintain it. Commissioner Brown asked about the maintenance of the rain gardens. Mr. Cassidy said maintenance is just cleaning and trimming the beds and making sure the vegetation is growing. The only way to defeat them would be by completely filling them in. They are suggesting making a restriction on the deed stating that the rain gardens would have to remain. He said after the site walk, he would also like to discuss having an alternate to the rain garden. Commissioner Brown said he has seen box turtles in the area. Mr. Cassidy said they will do an inventory of the property before construction to see if there are any box turtles on the site and if they are they will be moved to an area protected by silt fencing.

Commissioner Stevens asked if Mr. Cassidy went over the Connecticut River Coastal Conservation District comments. Mr. Cassidy said he has not been able to respond to it yet. Commissioner Stevens said he agrees with the CRCCD's suggestion of doing a full biological inventory of the flora and fauna on the site.

Vice Chairman Riedinger asked if the runoff from the north east corner of the site would go into the swale or bypass the swale and go directly into the wetlands post-construction. Mr. Cassidy said it would flow into the swale. Vice Chairman Riedinger said he would like these homes to receive the Homeowner's Manual that was presented at a previous meeting. He also said he wants to make sure this development would not negatively affect the homes to the west of the site. Mr. Cassidy said he believes they will have a positive effect on those homes. Vice Chairman Riedinger asked for more information about the conservation easement on the site. He

said if they do consider a sidewalk along Main Street, maybe it could be a raised structure to keep it away from the wetlands. Mr. Cassidy said the remaining area of wetlands and the remaining upland review area to the top of the bank is a proposed conservation easement of about 1.5 acres. If they did put in sidewalks, they would be in the State right of way. Mr. Alvarado said he thinks it would be a good idea for the developer to show the sidewalks and the impacts to the wetlands.

Commissioner Zak was concerned about the proximity of the conservation easement to Lots 8 & 9. Mr. Cassidy said he shifted the homes on Main Street at a 45 degree angle, which brings the corner of the house closer to the conservation easement area but allows the homes to have a larger more useful back yard.

Commissioner Duff wondered how they would address invasives on the site. Mr. Davison said there are not a lot of invasives in the wetlands. There are quite a bit of invasives in the interior and upland portion of the property. He said he doesn't see where you would need to do any meaningful control of invasives on this site, nor does he think invasives would impact the rain gardens. Commissioner Duff asked if they had plans to use lower maintenance seed mixes for this site. Mr. Cassidy said this is something he needs to discuss with the Applicant. Commissioner Duff asked about the barn and garage and any possible contamination of the site. Mr. Cassidy believes they will have to do an environmental assessment of the site prior to the closing of the property. Commissioner Duff asked if the ridge on the site would pose any challenges. Mr. Cassidy said it is really just the crest of the hill and not a pronounced ridge line. Commissioner Duff suggested using substantial markers to delineate the boundaries of the conservation easement and also marking the rain gardens.

Chairman Charamut asked if they considered tying the lower 3 houses to the same sewer line as the other 6 homes. Mr. Cassidy said the MDC said they prefer not to have them all tied together.

PUBLIC

Ms. Krista Mariner of 58 Farms Village Road addressed the Commission. She asked if the certificate of mailings were submitted to staff. She was concerned that all the trees along the western boundary would be cut down. She would like the Applicant to address the comments made by the Engineering Department. She would like a definitive answer about who would be responsible for the long term maintenance of the storm water quality basin. She said part of the ridge line on the site does show up on a map of the bedrock geology of Rocky Hill. Ms. Mariner is also concerned about protection of the box turtles that may be on the site. She urged the Commission to do a site walk and to go over Kelly Starr's report. She wondered if they considered not developing west of the ridge line. Mr. Cassidy said certificates of mailing were submitted. He said they have reviewed and responded to all the comments made by the Town Engineering Department. The existing cul-de-sac at the end of Southbrook doesn't appear to have any easements so they just need to get permission from the homeowner to remove the pavement. The evergreen hedgerow along the westerly property line will not be removed. The trees beyond the hedgerow do need to be removed to allow for grading for the swale and lots. The trees to the south are not on their property, so they will not be removed. Access to the detention basin will be by way of a processed stone drive with a hammerhead to allow vehicles to turn around. The

majority of the grades of the driveways are about 10% but there are areas with a 13% grade, which is the maximum allowed grade for driveways. Without development to west of the ridge this would not be a financially viable project. Mr. Cassidy said he feels this is a reasonable proposal in terms of density.

Mr. Christopher Sheehan of 3195 Main Street addressed the Commission. He is the abutting homeowner on the south side. He is concerned about the drainage that runs onto his property from this site and he is afraid that the driveway to Lot 7 will make this problem worse. Mr. Cassidy said they can create a swale in this area to make sure the water does not flow onto the abutting property. He noted that the driveway is also curbed.

Ms. Krista Mariner of 58 Farms Village Road said she isn't for or against the project although she would like more information. She would like to see the homes pushed further away from the ridge line. She wondered if they applicant considered reducing the size or number of buildings as suggested by Ms. Kelly Starr.

Mr. William Speed of 44 Highview Drive is not for or against the development but he as an abutting property owner he is concerned that the swale will do what it is supposed to do. He would like there to be a deed restriction prohibiting the impairment of the swale. He also stated that there aren't enough sidewalks in Town.

Commissioner Duff asked how they planned on monitoring the drainage and how it's functioning. Mr. Cassidy said there are drainage swales behind the houses to catch the water sheet flowing off the back. Also there is an easement across the pipe and the drainage easement for Lot #2. The Engineering Department also suggested having a deed restriction to prevent tampering with this system.

Commissioner Schweitzer said he would like to see details of the swale crossing the driveway of Lot #7. Mr. Cassidy said he was going to take the driveway and cross-pitch it to the curb. Commissioner Schweitzer said he would like to see the proposed elevations of the bottom of the rain gardens at the next meeting. He asked that when Mr. Cassidy looks at sidewalks along Main Street, he also looks into the amount of drainage that will be restricted from flowing into the wetlands with the addition of a curb and sidewalk.

Commissioner Lindenberger also expressed concerns about limiting the amount of flow going to the wetlands.

A MOTION was made by Vice Chairman Riedinger to recess the public hearing for THE Application for a Class C Permit - Valentine Builders LLC – Proposed 9 lot subdivision and related improvements at 3149 Main Street and Southbrook Road. Assessor's #37-05-013. Seconded by Commissioner Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.

4. PUBLIC

Ms. Krista Mariner, 58 Farms Village Road asked what role the Opens Space and Conservation Commission would have in updating the Plan of Conservation and Development. Commissioner Kelly also wanted to know if this Commission would have any input on that update. Mr. Alvarado said the process has not been set up but the Open Space Commission would have the opportunity to give their input. According to State Statute this plan must be updated every 10 years. He said he would get an update as to where they are in the process for the next meeting.

5. APPLICATIONS FOR PERMIT

A. Rocky Hill Development Co., LLC – Proposed 10 lot conservation design subdivision and related improvements at 395 France Street- Assessor's #29-04-002;

Mr. Alvarado said this public hearing was closed and the only item that remains un-finalized is the drainage report. This report is still being reviewed by the Engineering Department and there are a few minor adjustments that still need to be made.

A MOTION was made by Commissioner Kelly to approve the Rocky Hill Development Co., LLC – Proposed 10 lot conservation design subdivision and related improvements at 395 France Street- Assessor's #29-04-002 with the following conditions:

- 1. That the Home Owner's Resource Handbook as presented and amended by George Logan, be a component of the permit and be given to each homeowner and also that a copy be filed in the land records and referenced in each deed.**
- 2. That prior to any construction a minimum of 100' from the vernal pool be protected with erosion control measures.**
- 3. That 50% of the trees planted in the areas near the vernal pool be of 6' height or better.**
- 4. That A five year monitoring plan for the site be performed by an environmental expert and updates be given to the Commission at the end of each fall season.**
- 5. That markers and placards be placed at all angle points of the proposed conservation easement.**
- 6. That construction of the proposed bridge is performed during low flow periods.**
- 7. That a cash bond in an amount to be determined by Staff be posted by the permit holder.**
- 8. That the drainage report be submitted to and approved by the Town.**

Seconded by Vice Chairman Riedinger. Commissioner Kelly said she believes that the Applicant complied with Section 8.4 of the Inland Wetlands and Watercourses Regulations, specifically Section 8.4 b was addressed by presenting a revised plan with a shorter road and houses moved further away from the upland review area. This revised plan was presented as a prudent and feasible alternative to the development and she believes these changes make the proposal more environmentally friendly. **All were in favor, MOTION CARRIED UNANIMOUSLY.**

B. Town of Rocky Hill – C/O Barbara Gilbert, Town Manager – Proposed replacement of existing bridge on Old Main Street over Goff Brook;

Mr. Alvarado said the only outstanding issue at the last meeting was regarding the sidewalk and whether it should be extended along the construction limits of the proposed bridge. Mr. Sollmi agreed if the proposal allows for the funding of longer sidewalks, they would be willing to extend them.

Commissioner Schweitzer said he had asked about the limits of the riprap. **Mr. Chad Perkoski, Project Manager with D&L Companies** said they intend on utilizing intermediate riprap as a façade with a geo-grid tensar system, reinforced soil slope. The riprap will be about 2' thick at a 1:1 grade. The shelf behind that will be 2' per DOT standards. Commissioner Schweitzer asked if the tangent at the northeast corner was extended. Mr. Perkoski said they extended the tangent 6'3" to allow for a smooth transition from the concrete for the first section of rail and from there they will do an angle point to taper the road back to the original width.

Commissioner Kelly asked about the fresh water mussels and if the applicant would be monitoring for them during construction. Mr. Perkoski said there would be a notice to the contractor that they need to do a physical observation of the area and if any mussels are found they would need to be placed upstream from construction.

A MOTION was made by Commissioner Kelly to approve the Class B permit for Town of Rocky Hill – C/O Barbara Gilbert, Town Manager – Proposed replacement of existing bridge on Old Main Street over Goff Brook. Seconded by Vice Chairman Riedinger. All were in favor, MOTION CARRIED UNANIMOUSLY.

A FRIENDLY AMENDMENT was made by Commissioner Schweitzer to ensure that there is proper containment of debris during removal of the existing super structure and that there is proper protection of Goff Brook during the work along the abutments and the wing walls. FRIENDLY AMENDMENT ACCEPTED.

A FRIENDLY AMENDMENT was made by Vice Chairman Riedinger that the approval includes extended sidewalk in the budget permits. FRIENDLY AMENDMENT ACCEPTED.

C. Valentine Builders LLC – Proposed 9 lot subdivision and related improvements at 3149 Main Street and Southbrook Road. Assessor's #37-05-013;

This public hearing was recessed.

A MOTION was made by Vice Chairman Riedinger to conduct a site review for the Application for Valentine Builders LLC – Proposed 9 lot subdivision and related improvements at 3149 Main Street and Southbrook Road on March 29th at 9:00 a.m. Seconded by Commissioner Schweitzer. All were in favor, MOTION CARRIED UNANIMOUSLY.

4. **MINUTES/WORKING NOTES** presented for approval for February 12, 2014;

A MOTION was made by Vice Chairman Riedinger to approve the minutes and working notes of February 12, 2014 with changes. Seconded by Commissioner Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.

5. DISCUSSION

A. Open Space

No discussion.

B. Legislation

None.

C. Conferences

Wetlands and Municipal Training DVDs are available for any Commissioners who are interested.

8. CORRESPONDENCE, COMMUNICATIONS

None.

9. OTHER BUSINESS

No discussion.

10. ADJOURN

A MOTION was made by Vice Chairman Riedinger to adjourn the meeting. Seconded by Commissioner Lindenberger. All were in favor, MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 8:08 p.m.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary